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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,020	09/05/2003	Paul Joseph McArdle	G&C 30566.255-US-U1	8147

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EXAMINER

MORRISON, JAY A

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,020

Applicant(s)

MCARDLE ET AL.

Examiner

Jay A. Morrison

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-30 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-30: The cited claims are directed to non-functional descriptive material, which is not a practical application and is therefore non-statutory. Functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component. A data structure is defined by the New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993) as follows: "a physical or logical relationship among data elements, designed to support specific data manipulation functions."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5,10-15,20-25,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. ('Wolff' hereinafter) (Patent Number 6,076,105) in view of Weber (Publication Number 2003/0160825 A1) and further in view of Zinda et al. ('Zinda' hereinafter) (Patent Number 6,393,437).

As per claim 1, Wolff teaches
"obtaining a project file in the computer graphics program comprising general information regarding the project" (project file, column 29, lines 44-61);

Wolff does not explicitly indicate "creating a directory structure in the computer graphics program for the project wherein one or more project drawing files are organized into various folders by drawing file type of the one or more project drawing files".

However, Weber discloses "creating a directory structure in the computer graphics program for the project wherein one or more project drawing files are organized into various folders by drawing file type of the one or more project drawing files" (create directory structure, paragraph [0040]);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff and Weber because using the steps of "creating a directory structure in the computer graphics program for the project wherein one or more project drawing files are organized into various folders by drawing file type of the one or more project drawing files" would have given those skilled in the art the tools to improve the invention by placing files in their proper places. This gives the user the advantage of being able to find information more quickly.

Wolff does not explicitly indicate "and obtaining a companion file for each project drawing file, wherein each companion file provides information used to create the directory structure and comprises information to link each project drawing file to the project"

However, Zinda discloses "and obtaining a companion file for each project drawing file, wherein each companion file provides information used to create the directory structure and comprises information to link each project drawing file to the project" (metadata, column 7, lines 14-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber and Zinda because using the steps of "and obtaining a companion file for each project drawing file, wherein each companion

file provides information used to create the directory structure and comprises information to link each project drawing file to the project" would have given those skilled in the art the tools to improve the invention by having the structure of the project in a single location. This gives the user the advantage of having a single source that can be referenced instead of open multiple files.

As per claim 2, Wolff teaches

"the general information is selected from a group consisting: a project name; a project number; a project level; a project division; a first default template for a new element; a second default template for a new construct; a third default template for a new view; and a fourth default template for a new sheet" (source data file fields, column 29, lines 44-61; note: Applicant describes non-function descriptive material which can be described by any data, as opposed to disclosing any function).

As per claim 3, Wolff teaches

"the project drawing file" (column 29, lines 44-61).

Wolff does not explicitly indicate "comprises an extensible markup language (XML) document".

However, Weber discloses "comprises an extensible markup language (XML) document" (paragraph [0027]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber and Zinda because using the steps of

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“comprises an extensible markup language (XML) document” would have given those skilled in the art the tools to improve the invention by adhering to common industry standards. This gives the user the advantage of maximum usability and portability.

As per claim 4,

Wolff does not explicitly indicate “the companion file”.

However, Zinda discloses “the companion file” (column 7, lines 14-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber and Zinda because using the steps of “the companion file” would have given those skilled in the art the tools to improve the invention by having the structure of the project in a single location. This gives the user the advantage of having a single source that can be referenced instead of open multiple files.

Wolff does not explicitly indicate “comprises an extensible markup language (XML) file”.

However, Weber discloses “comprises an extensible markup language (XML) file” (paragraph [0027]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber and Zinda because using the steps of “comprises an extensible markup language (XML) document” would have given those skilled in the art the tools to improve the invention by adhering to common industry standards. This gives the user the advantage of maximum usability and portability.

As per claim 5,

Wolff does not explicitly indicate “the various folders comprise: an elements folder for element type drawing files; a constructs folder for construct type drawing files; a views folder for view type drawing files; and a sheets folder for sheet type drawing files”.

However, Weber discloses “the various folders comprise: an elements folder for element type drawing files; a constructs folder for construct type drawing files; a views folder for view type drawing files; and a sheets folder for sheet type drawing files” (directory structure, paragraph [0040]; note: intended use limitations are not required to be taught, see MPEP § 2106 Section II(C));

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber, and Zinda because using the steps of “the various folders comprise: an elements folder for element type drawing files; a constructs folder for construct type drawing files; a views folder for view type drawing files; and a sheets folder for sheet type drawing files” would have given those skilled in the art the tools to improve the invention by placing files in their proper places. This gives the user the advantage of being able to find information more quickly.

As per claim 10,

Wolff does not explicitly indicate "the obtaining a companion file further comprises: defining a user definable category and value for project information; storing said user definable category and value in the companion file".

However, Zinda discloses "the obtaining a companion file further comprises: defining a user definable category and value for project information; storing said user definable category and value in the companion file" (column 7, lines 14-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber and Zinda because using the steps of "and obtaining a companion file for each project drawing file, wherein each companion file provides information used to create the directory structure and comprises information to link each project drawing file to the project" would have given those skilled in the art the tools to improve the invention by having the structure of the project in a single location. This gives the user the advantage of having a single source that can be referenced instead of open multiple files.

As per claims 11-15 and 20,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-5 and 10 and are similarly rejected.

As per claims 21-25 and 30,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-5 and 10 and are similarly rejected.

6. Claims 6-9,16-19,26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. ('Wolff' hereinafter) (Patent Number 6,076,105) in view of Weber (Publication Number 2003/0160825 A1) and further in view of Zinda et al. ('Zinda' hereinafter) (Patent Number 6,393,437) and further in view of Smith (Publication Number 2002/0035408).

As per claim 6,

Wolff does not explicitly indicate "the element type drawing file comprises a set of geometry that may be repeated throughout a project".

However, Smith discloses "the element type drawing file comprises a set of geometry that may be repeated throughout a project" (paragraph [0066]-[0067]; 'may be' indicates an optionally recited limitation which do not have to take place, see MPEP § 2106 Section II(C)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber, Zinda and Smith because using the steps of "the element type drawing file comprises a set of geometry that may be repeated throughout a project" would have given those skilled in the art the tools to improve the invention by having standardized design files. This gives the user the advantage of being able to reuse design modules.

As per claim 7,

Wolff does not explicitly indicate “the construct type drawing file comprises: an identification of geometry and data for a particular level/wing and category of the project; and one or more elements”.

However, Smith discloses “the construct type drawing file comprises: an identification of geometry and data for a particular level/wing and category of the project; and one or more elements” (paragraph [0060]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber, Zinda and Smith because using the steps of “the construct type drawing file comprises: an identification of geometry and data for a particular level/wing and category of the project; and one or more elements” would have given those skilled in the art the tools to improve the invention by having standardized design files. This gives the user the advantage of being able to reuse design modules.

As per claim 8,

Wolff does not explicitly indicate “the view type drawing file automatically assembles appropriate constructs to represent a portion of a project that has been selected based upon user specified data”.

However, Smith discloses “the view type drawing file automatically assembles appropriate constructs to represent a portion of a project that has been selected based upon user specified data” (paragraph [0083]-[0084]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber, Zinda and Smith because using the steps of "the view type drawing file automatically assembles appropriate constructs to represent a portion of a project that has been selected based upon user specified data" would have given those skilled in the art the tools to improve the invention by having standardized design files. This gives the user the advantage of being able to reuse design modules.

As per claim 9,

Wolff does not explicitly indicate "the sheet type drawing file comprises one or more views and represents a printed/plotted document".

However, Smith discloses "the sheet type drawing file comprises one or more views and represents a printed/plotted document" (paragraph [0083]-[0084]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wolff, Weber, Zinda and Smith because using the steps of "the sheet type drawing file comprises one or more views and represents a printed/plotted document" would have given those skilled in the art the tools to improve the invention by having standardized design files. This gives the user the advantage of being able to reuse design modules.

As per claims 16-19,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 6-9 and are similarly rejected.

As per claims 26-29,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 6-9 and are similarly rejected.

Response to Arguments

7. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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